

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, ET AL.

Plaintiffs,

v.

DONALD J. TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNITED STATES, ET AL.,

Defendants.

Case No.: 1:25-cv-11221-WGY

CALIFORNIA COALITION'S MOTION
FOR LEAVE TO FILE AMICUS BRIEF ISO
PLAINTIFFS AND PLAINTIFF
INTERVENOR'S MOTIONS FOR
SUMMARY JUDGMENT

**UNOPPOSED MOTION AND INCORPORATED MEMORANDUM OF LAW
OF A CALIFORNIA COALITION OF LOCAL GOVERNMENT ENTITIES,
ENVIRONMENTAL NONPROFITS, LABOR, AND INDUSTRY IN SUPPORT OF
PLAINTIFFS AND PLAINTIFF-INVEREVENOR'S MOTIONS FOR SUMMARY
JUDGEMENT**

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Proposed *Amici Curiae* San Francisco Public Utilities Commission, Brightline Defense Project, Marin Clean Energy, Redwood Coast Energy Authority, 350 Humboldt, Central Coast Alliance United for a Sustainable Economy, California Environmental Voters, Climate First: Replacing Oil & Gas, International Brotherhood of Electrical Workers Local 639, Offshore Wind California, and retired California Assemblymember Jordan Cunningham (together, “*Amici*”) respectfully move for leave to file an amicus brief in support of Plaintiff States and Plaintiff-Intervenor Alliance for Clean Energy New York’s motions for summary judgment, ECF Nos. 172, 175, against the Defendant Agencies implementation of President Trump’s directive to halt wind permitting (Wind Directive). Amici’s participation would assist the Court by providing diverse, regional, and local perspectives on issues relevant to the cross-motions for summary judgment. In support of this motion, Amici state as follows:

1. District courts have the “inherent authority and discretion” to accept and consider amicus briefs. *Bos. Gas Co. v. Century Indem. Co.*, No. CIVA 02-12062-RWZ, 2006 WL 1738312, at *1 n.1 (D. Mass. June 21, 2006). Amicus briefs may be permitted “to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by ensuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass. 2015), *aff’d*, 807 F.3d 472 (1st Cir. 2015). “[A] court is usually delighted to hear additional arguments from able amici that will help the court toward right answers [...]” *Mass. Food Ass’n v. Mass. Alcoholic Beverages Control Comm’n*, 197 F.3d 560, 567 (1st Cir. 1999).

2. This case considers the limits of agency power, whose decisions have created an indefinite pause in the development of offshore wind. Amici are a coalition representing various interests from the State of California, including environmental organizations, local government

and planning bodies, organized labor, industry trade groups, and a retired California legislator. Amici possess interests in the promotion, planning, procurement, development, construction, and consumption of wind energy as part of a renewable and reliable energy grid that supports the fourth largest economy in the world.

3. *Amicus Curiae* San Francisco Public Utilities Commission, a department of the City and County of San Francisco (“San Francisco”), is a California municipal corporation that has provided hydroelectric power to city agencies and municipal functions since 1925. Today it also procures electricity from solar, wind, and other renewable sources to serve the demand of most private customers in the city.

4. *Amicus Curiae* Marin Clean Energy (“MCE”) is a joint powers authority that began serving retail electric customers in 2010, and today serves more than 1.5 million residents and businesses in 38 communities across Contra Costa, Marin, Napa, and Solano Counties. Its mission is to confront the climate crisis by eliminating fossil fuel greenhouse gas emissions, producing renewable energy, and creating equitable community benefits.

5. *Amicus Curiae* Redwood Coast Energy Authority (“RCEA”) is a local government agency working to provide clean, reliable electricity and valuable programs for Humboldt County residents and businesses.

6. Retired Assembly member Jordan Cunningham (R), together with former Assembly member David Chiu (D) who is counsel for the SFPUC in this brief, co-led a strongly bipartisan legislative effort that resulted in the 2021 passage of AB 525. That law jumpstarted the offshore wind industry in California.

7. *Amicus Curiae* Brightline Defense Project (“Brightline”) is a nonprofit environmental organization engaged in the equitable development of offshore wind in California and advocates for the benefits it can bring to regional and local communities while delivering utility-scale clean energy to the state.

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8. *Amicus Curiae* 350 Humboldt is a grassroots climate action organization based on California's North Coast. 350 Humboldt is dedicated to rapidly completing the energy transition so global temperatures can be stabilized and supports California's offshore wind goals as a critical component of this transition.

9. *Amicus Curiae* California Environmental Voters (EnviroVoters) is a statewide organization that seeks to protect the land, air, water and health of all Californians, and advocates for wind energy as a critical component of the state's energy portfolio and an economy that is just and sustainable for all.

10. *Amicus Curiae* the Central Coast Alliance United for a Sustainable Economy (“CAUSE”) is a grassroots community organization advancing social, economic, and environmental justice on California's Central Coast. CAUSE is committed to ensuring that the development of offshore wind supports a just transition to renewable, utility-scale energy that centers environmental justice, health, and safety of frontline communities, and delivers real local benefits such as good jobs, clean air, and community investment throughout the central coast.

11. *Amicus Curiae* Climate First: Replacing Oil & Gas (“CFROG”) is an environmental advocacy nonprofit organization engaged in the equitable development of offshore wind in California and advocates for the benefits it can bring to regional and local communities, including sustainable jobs and utility-scale clean energy to the state.

12. *Amicus Curiae* the International Brotherhood of Electrical Workers, Local 639, (“IBEW”) is a prominent labor union representing workers in the electrical industry. Local 639 represents electricians in California's Central Coast. The union places a strong emphasis on apprenticeship and training programs, ensuring its members stay current with evolving technologies in the electrical field, and advocates for fair wages, workplace safety, and comprehensive benefits for its membership.

13. *Amicus Curiae* Offshore Wind California (“OWC”) is a nonprofit coalition of industry partners with a shared interest in promoting policies and public support for responsible development of offshore wind power in California. OWC undertakes public education and advocacy of this renewable resource as part of a comprehensive solution to California's energy needs.

14. *Amici*'s proposed brief is relevant to the proper resolution of this case. The brief illustrates the impacts of the Wind Directive felt at regional, local and community levels through the lens of Pacific Offshore Wind development in the State of California and from the perspectives of a diverse mix of stakeholders including local government and planning agencies, environmental nonprofits, labor unions and wind industry groups. The brief provides the Court with important information on the significant harms to Californians posed by the Wind Directive, including how it threatens an emerging offshore wind industry that has been years in development, impedes California's ability to build a leading robust renewable energy sector on the Pacific Coast, and frustrates California's ability to prepare and protect its constituents from future energy and climate challenges.

15. No party will be prejudiced by *Amici*'s brief. *Amici* submit this motion within seven days of the parties filing their cross-motions for summary judgment. ECF No. 172, 175. Counsel for *Amici* conferred with counsel for Plaintiff States, Plaintiff-Intervenor, and Defendants. Plaintiff States and Plaintiff-Intervenor consents to, and Defendants do not oppose, the filing of this amicus brief.

16. Because the Local Rules do not dictate the length of an acceptable amicus brief, the *Amici* referred to the Federal Rules of Appellate Fed. R. App. P. 29(a)(5) (limiting amicus briefs to one-half the limit for a party's principal brief), and LCvR 7.1(b)(4) (generally limiting a brief in support of a motion to 20 pages). *Amici*'s brief does not exceed 15 pages, excluding signature pages.

17. No counsel for a party authored any part of the attached brief, and no person other than Amici or their counsel made any contributions to fund the preparation or submission of the proposed brief. Cf. Fed. R. App. P. 29(a)(4)(E).

For the foregoing reasons, Amici respectfully request that this Court grant the motion for leave to file a brief of amici curiae.

Dated: August 15, 2025

Respectfully submitted,

/s/ David S. Louk

David S. Louk (BBO#304654)

San Francisco City Attorney's Office
1390 Market St, Fl 7
San Francisco, CA 94102-5406
(415) 355-3314
David.Louk@sfcityatty.org

*Counsel for Amici Curiae San Francisco
Public Utilities Commission, Marin Clean
Energy, and Redwood Coast Energy
Authority, Brightline Defense Project, 350
Humboldt, The Central Coast Alliance
United for a Sustainable Economy,
California Environmental Voters, Climate
First: Replacing Oil & Gas, International
Brotherhood of Electrical Workers Local
639, Offshore Wind California, and Retired
California Assemblymember Jordan
Cunningham*

CERTIFICATE OF SERVICE

I, CHRISTINE HOANG, hereby certify that I electronically filed the following document with the Clerk of the Court for the United States District Court for the District of Massachusetts by using the appellate CM/ECFsystem on August 15, 2025.

**UNOPPOSED MOTION AND INCORPORATED MEMORANDUM OF LAW OF A
CALIFORNIA COALITION OF LOCAL GOVERNMENT ENTITIES, ENVIRONMENTAL
NONPROFITS, LABOR, AND INDUSTRY IN SUPPORT OF PLAINTIFFS AND
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I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed August 15, 2025, at San Francisco, California.

/s/ CHRISTINE HOANG

CHRISTINE HOANG